

ABSTRACTS OF WILLS PROVED IN THE

COURT OF COMMON PLEAS

OF RENSSELAER COUNTY, NEW YORK

FROM 1794 TO 1822

TOGETHER WITH ONE WILL FROM

WASHINGTON COUNTY, NEW YORK

BY

CHARLES SHEPARD

TROY, N. Y.

C. SHEPARD

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Five copies of this work made for subscribers
and one copy for the editor

No.

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P R E F A C E

The wills from which the following abstracts were made are found recorded in an un-numbered book now in the office of the Surrogate of Rensselaer County, New York. None of the office force seem to know how the book came to be in that office. The Court of Common Pleas ceased to exist many years ago; it is quite probable that at the time of its dissolution, the book of recorded wills was placed in the Surrogate's Office as being the most appropriate place for it.

The regular records of the Surrogate's Office are very well indexed, but none of the wills in this book appear in the index. Hence these abstracts are of more than ordinary genealogical value. Several of the wills, however, (as is noted after the respective abstracts) were proved also in the Surrogate's Court, generally previous to their proof in the Court of Common Pleas. In such instances the wills will be found recorded also in the Surrogate's records, with proper references in the index.

The record book is a small volume in a good state of preservation, 21 x 33½ cm. in size. It is lettered on the back of the cover, "RECORD OF WILLS." The following abstracts include all the wills found in the book. The rest of the leaves after page 48 are blank. The numbers in parentheses, near the middle of the page,

preceding each abstract, refer to the number of the page of the original book on which the matter pertaining to each estate begins.

The following abstracts are of a genealogical nature; they include the names of all persons mentioned in the originals, and give the location of all real estate mentioned, as a means of tracing the migrations of the testator; but they omit (except where of especial interest) the specific bequests as well as the descriptions of the boundaries of land. The making of more complete abstracts would have consumed much time and labor, without adding to their usefulness to a genealogist, though perhaps they would have been of more value to searchers in other lines of work.

Special pains have been taken to make certain that the names of all persons are given in the abstracts; a genealogist may therefore feel confident that if a name is not found here, it is quite useless to consult the originals.

A question-mark in parentheses (?) following a word means that the word is somewhat illegible in the original, and may not have been copied entirely correctly.

See the special note preceding the will of Philip VanNess.

These abstracts were made in October, 1931, and the typewriting done in November 1931.

CHARLES SHEPARD

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Will of "Gerrit C. Van Den Bergh of the manor of Rensselaers Wyck in the County of Albany & State of New York." Dated 26 May 1784. To my "eldis" son Cornelius Vanden Bergh my large Dutch gun for his birth right. My wife Margrita Van Denbergh. My three sons Cornelius Vandenbergh, Volkert Vandenbergh and Gerrit Theunisse Vandenbergh. My said wife their mother. My daughter Maria Vandenbergh. Land in the patent of Hosick and land in the patent of Thomas Pouwel, lying in Kinderhook patent, bounded by land of Jan Martense Van Alstyne and Dorike his wife, and by land of Gerret Theunisse; land which Jan Martense Van Alstyne's grandson Isaac Van Alstyn or his son now lives on. My negro servants, Matt and her two sons Tom and Frenck. My two daughters named Maria and Elizabeth Van Veghten; their sisters Margrieta and Christiena. My five named daughters Maria, Lydia (?), Margrietta, Christiena and Elizabeth. Executors my three sons Cornelius, Volkert and Gerrit Theunisse Van Denbergh. Signed "Gerrit C. Vanden Bergh." Witnesses: Dirck Hansen, Wm. Ten Brook, N. V. Rensselaer.

Proved in the Court of Common Pleas in the County of Rensselaer, 18 February 1794, on the oaths of Dirck Hansen and Nicholas Van Rensselaer, two of the witnesses. Ordered to be recorded by Anthony Ten Eyck, John Van Rensselaer, and Israel Thompson, three of the Judges.

of the said court. Recorded 19 Feb: 1794. Si noi:
N. Schuyler, clerk.

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Will of "Thomas Clarke of the City of New York,
Gentleman, being aged and infirm but of good sound and
disposing mind." Dated 6 November 1776. My daughter
Mary Vassal wife of Richard Vassal Esq. My daughters
Charity and Maria Therissa, now unmarried. Residue of
estate "together with my pew in Trinity Church in the City
of New York" to my beloved wife Mary. My son Clement
Cooke Clarke. The children (not named) of Deborah Smith
my wife's sister. The children of Anne De Vinn (?) my
said wife's sister. Children of Lidia Watkins my said
wife's sister. My niece Hannah Rye, wife of Doctor Rye
of the city of Bath in the Kingdom of Great Britain.
The children of my deceased nephew Edward Johyle (?) late
of the Kingdom of Great Britain, Esq. Executors: My
wife Mary, son Clement Cooke, brother-in-law John Watkins
and sister-in-law Elizabeth Maunsel. Signed: Thomas Clarke.
Witnesses: W. McAdam; David Jones; Chas. Morse.

21 October 1777. Proved before Cary Ludlow,
Surrogate for the city and county of New York, on oaths
of David Jones, merchant, and Charles Morse, scrivener,
both of said city, who swear that they saw William McAdam

sign as the other witness.

21 October 1777. Mary Clarke appointed
executor and took oath. Cary Ludlow, Surrogate.

11 June 1795. Before the Court of Common
Pleas of the County of Rensselaer, at the Court House
in Troy, came David Jones the only surviving witness of
the will of Thomas Clarke deceased, and made oath to the
signing and sealing of the same. Recorded and examined
11 June 1795. N. Schuyler, clerk.

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Will of "Jesse Bacon of the Town of Troy in the
County of Rensselaer and State of New York, Attorney at law."
Dated 2 June 1803. Real estate in the town of Hoosick
in the County of Rensselaer aforesaid. To James Dole, Esq.,
one hundred dollars. My wife Margery and my three children
Julia, Francis and Mary Ellis. Children now unmarried and
under age. James Dole, Esq., to be guardian of my son
Francis. Books and papers relating to my late co-partnership
of Bird and Bacon, to be delivered to John Bird. Executors:
James Dole of Troy, and Samuel Starr and Daniel Jones, attor-
neys at law, both of Troy. Bequest to Chloe Ellis.
Signed: Jesse Bacon. Witneses: Noble Stewart; Jedediah
Tracy; John Wright; Levi Stoughton.

6 October 1803. Proved before the Rensselaer
County Court of Common Pleas, on oaths of Levy Stoughton,

Je eliah Tracy, and John Wright. Testator died on or about the 8th o' June last. Recorded 6 October 1803.
N. Schuyler, clerk.

The above will of Jesse Bacon was proved also in the Surrogate's Court of Rensselaer County, on 30 June 1803, and is recorded in Book 2, page 55.

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Will of "Cornelius Smith of Pittstown in the County of Rensselaer and State of New York." Dated 8 April 1800. Beloved wife Dorcas Smith. Land in Pittstown. My sons Cornelius Smith Junior and Darius Smith. My daughters Mephzeph Pollard and Tabatha Brown. My daughter Sally Right (? Possibly Pieght ?). My son Isaac Smith. Executor: son Isaac Smith. Witnesses: Saml. Eddy; Elkanah Smith; Israel Thompson.

25 May 1804. Proved before the Court of Common Pleas of Rensselaer County on the oath of Israel Thompson. Recorded 25 Ma. 1804. N. Schuyler, clerk.

The above will of Cornelius Smith was proved also in the Surrogate's court of Rensselaer County, and recorded 7 May 1804 in book 2, page 143.

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Will of "Benja in Walworth of Hoosick in the County of Rensselaer and State of New York." Dated 25 February 1812. My wife Aphyia Walworth. My daughter Rosamond B. Barber; my other three daughters Sarah D. Walworth; Aphyia B. Walworth and Olivia Ann Walworth. My son Jedediah H. Walworth. Land in Hyde Park in the state of Vermont, purchased from William S. Cardall. My grandson Benjamin W. Barber. Land in Grotton in the State of Vermont. My grandson John M. M. Barber. Forty acres of land in Grotton to Benjamin W. Cardall. My grandson Lorinzo Barber, now under 21 years of age. My other five sons, John Walworth; James C. Walworth; Reuben H. Walworth; Benjamin Walworth; and Hiram Walworth. Executors: Benjamin Kundeil; Sirah Parker; Reuben H. Walworth. Signed: Benj. Walworth. Witnesses: James Lathrop; T. S. Cardell; Mercy Cardell.

28 May 1812. Proved in the Court of Common Pleas of Rensselaer County on the oath of James Lathrop of Hoosick, farmer; the other two witnesses, William S. Cardell and Mercy Cardell being residents of the State of Vermont. James Walworth swears to the handwriting of the signature and that he is uncle of said testator. Recorded 30 May 1812. R. M. Livingston, deputy clerk.

The above will of Benjamin Walworth was proved also in the Surrogate's Court of Rensselaer County on 6 March 1812 and recorded in book 4, page 74.

Will of "Sylvester Noble of Hoosick in the County of Rensselaer and State of New York." My well respected wife Betsy Noble. My friends Aaron D. Patchin and Benjamin Randall to divide estate and be executors, and also to be guardians for my sons Daniel Kibbe Noble, Horatio Nelson Noble, Horrace Leavins Noble, and Sylvester Brookins Noble, during their minority. My wife Betsy Noble to be guardian of my daughters Minerva Delia Noble and July Elma Noble during their minority. Dated at Hoosick, 25 February 1813. Signed: Sylvester Noble.

Witnesses: Nathaniel Otis; Ezra Moseley; Rodolph Andrews.

2 March 1814. Proved in the Court of Common Pleas of Rensselaer County, on motion of counsel, Ebenezer Wilson Junr., on oaths of Nathaniel Otis of Hoosick, carpenter; Ezra Moseley of the same, merchant; and Rodolph Andrews of the same, Physician. Recorded 13 May (?) 1814. James Dole, clerk.

The above will of Sylvester Noble was proved also in the Surrogate's Court of Rensselaer County and recorded 9 March 1813 in Book 4, page 233.

County of Rensselaer and State of New York." My wife Maria. Estate to be divided among children (not named) each one to have his or her share when he or she arrives at age of 21. Posthumous child or children to share equally with the others. My slaves to be manumitted immediately after my decease. Executors: my wife Maria; my brother Townsend McCoun; my brother-in-law Morris S. Miller; they to be guardians of my children.

Dated ____ February 1813. Signed: John McCoun Jur.

Witnesses: Joseph Card; Benjamin Peirce; Russell W. Lewis.

Recorded 24 February 1819. Joseph D. Selden, clerk.

Last Monday in February, 1819. Proved before the Court of Common Pleas of Rensselaer County, on motion of Lewis Mitchell, counsel for Maria McCoun. Very lengthy proceedings show that John Townsend McCoun was son and heir of John McCoun Jr., and that he had been notified by Maria McCoun, the widow, of her intent to prove the will. Townsend McCoun, testator's guardian of said John Townsend McCoun, had also been notified of intent to prove the said will. John M. Card of Troy swears that said John McCoun Jr., died in or about August 1812; Maria McCoun is his widow and is still living; said John McCoun Jr. left but two children surviving him, viz. John Townsend McCoun now alive and under 21 years of age, and Elizabeth McCoun who died about 3 or 4 years after the death of her father, and at the time of her death was unmarried and about 12 years old. Sworn to 24 February 1819 by John M. Card.
Archibull, deputy clerk.

Joseph Card of Troy, one of the witnesses of the will, swears to the signing of the same, &c., and swears that Russell M. Lewis now lives outside of New York State, at or near Blakely in the territory of Alabama; that John McCoun Jr. died in August 1812 in his dwelling house in Troy, and was survived by Maria McCoun his widow, and Elizabeth McCoun and John Townsend McCoun his only children, which said Elizabeth McCoun died after the death of her father, without issue. Sworn to 24 February 1819 by Joseph Card. Archi Bull, deputy clerk.

Benjamin Pearce swears on same day to same facts. Said will with proof thereof was then ordered to be recorded.

The above will of John McCoun Jr., was proved also in the Surrogate's Court of Rensselaer County, and recorded 5 September 1812 in book 4, page 167.

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Will of "Joseph McClesney of the Town of Troy in the County of Rensselaer and State of New York." My beloved wife Mary McClesney. Joseph Lukeman McClesney and Joseph Mullinix McClesney my two grandsons. My two sons, William and Samuel. My old farm lying on the lines of Elish. Adams and Moses D. Senbury. "Schuylerhorn purchis" of land. Executors: wife Mary; Francis Collison; Robert McClesney. Dated 23 February 1807. Signed:

Joseph McClesney. Witnesses: Hugh McClesney; Elisha Adams; Derick I. Vanderheyden. Recorded and examined
25 February 1823. Ben. Smith, clerk.

25 February 1822. Proved in the court of Common Pleas of Rensselaer County, on motion of Samuel McClesney, one of the heirs. Elisa Adams swears he was acquainted with Joseph McClesney, late of Brunswick in Rensselaer County; that he died several years ago at his house in Brunswick; that he left at the time of his death two children, Samuel I., and William; and that Hugh McClesney and Derick I. Vanderheyden, the other witnesses, are now both dead.

This appears to have been the last will proved in the Court of Common Pleas of Rensselaer County, New York. The rest of the book containing the foregoing records, is blank.

NOTE

The will of Philip VanNess is here included because it, like the foregoing, is unindexed and therefore not available to searchers unless they happen to know of its existence. The original will is now to be found in the office of the Surrogate of Rensselaer County, New York. It is bound by itself, in a cardboard cover, size 21 x 33 cm. There is no note showing whether or not it was ever proved, but the interested searcher will probably find that it was properly proved and recorded in Washington County. No explanation can be offered of why the original, bound as it is, is now in the Rensselaer County Surrogate's office. In the early days the Surrogates often returned the original wills, after recording them, to the executors. This will may thus have travelled from hand to hand until it came into the possession of one who had no interest in it, who deposited it in its present resting place.

This abstract, like the preceding ones, mentions every person named in the original.

Will of Philip Van Ness

"In the name of God, I Philip Van Ness of the town of Cambridge in the county of Washington and State of New York, Farmer, " "To Philip VanNess, Margaret Van Ness, Eve Van Ness and Henry Van Ness, the children of my eldest son Gerrit Van Ness and Sarah and Margaret his respective wives" all that farm whereon the widow Margaret and her children do now reside, situate in the town of Schachticoke. Unto Tueunis VanVeighten and Margaret Groesbeck, a house and lot in Schenectady and one hundred pounds to be paid them by my youngest (!) daughter Catalyna within one year after the decease of my present wife. "The above named Teunis and Margaret are the children of Dirck VanVeighten and Catalyna my eldest (!) daughter." To daughter Catharine certain lots of land in the Hosack patent, formerly in the County of Albany but now in the County of Washington, which land was "conveyed to me by Arent J. Schuyler and Swan Schuyler and their respective wives in September in the year of our Lord one thousand seven hundred and eighty five." Also unto said daughter Catharine, one hundred pounds lawful money of New York. "To my daughter Maritie the wife of Martin VanBuskerk" part of a lot in Hosick patent, now part in possession of the said Martin VanBuskerk, bounded (in part) by "land now in possession of John Gordon." To "Sarah my daughter the wife

of John Gordon" another part of the same lot in Hosick patent.
"To Catalyna my youngest daughter" the remaining one-third
part of the said lot number 27 in the Hosick patent.

My wife to enjoy the rents and profits of my saw and grist
mill during her widowhood, and after her decease or remar-
riage the saw and grist mill and land around it to go to
my children Maritie, Sarah, Catharine and Catalyna as
tenants in common, and also the fall in the creek, above
the mill. My beloved wife Helena executrix and Nicholas
Groesbeck executor. Dated 10 July 1794. Signed:

"Philip Van Nes." Witnesses: G. Wendell; Philip V. N.
Bushkark; James (surname ends in letters "DE.")

Codicil dated 9 December 1794, also signed
"Philip Van Nes" and witnessed by the same parties.
Whereas since making the annexed will I have disposed of
the house and lot in Schenectady to Jeremias Barkeydt by
indenture bearing even date with this codicil; therefore in
lieu of the bequest of land I bequeath "unto Teunis Van
Vechten and wife, ret the wife of Nyndert Groesbeck being the
children of my daughter the wife of Dirck VanVechten," the
sum of one hundred pounds to be equally divided between them.
The residue of my personal estate to be equally divided
between my four daughters now living, namely "Maritie the
wife of Martin VanBushkark, Sarah the wife of John Gordon,
Catharine, and Catalyna."

I N D E X

Married women appear in the index under both their maiden names and their married names, whenever both names are clearly shown by the context.

Look for all possible spellings of the desired surname.

ADAMS		CARDALL	
	Elisha, 12, 13.		Benjamin W., 9.
ANDREWS			Mercy, 9.
	Rodolph, 10.		William S., 9.
BACON		CLARKE	
	Francis, 7.		Charity, 6.
	Jesse, 7, 8.		Clement C., 6.
	Julia, 7.		Maria T., 6.
	Margery, 7.		Mary, 6, 7.
	Mary E., 7.		Thomas, 6, 7.
BAKER		COLLISON	
	Jirah, 9.		Francis, 12.
BARBER		DE VINN (?)	
	Benjamin W., 9.		Anne, 6.
	John M.M., 9.		
	Lorinzo, 9.	DOLE	
	Rosamond M., 7.		James, 7, 10.
BARLEYDT		DUSMBURY	
	Jerenimus, 16.		Moses, 1.
BIRD		EDDY	
	John, 7.		Samuel, 2.
BROWN		ELLIS	
	Tabatha, 8.		Chloe, 7.
BULL		FRENCK (Negro), 5.	
	Archi, 11, 12.		
CARD		GORDON	
	John M., 11.		John, 15, 16.
	Joseph, 11, 12.		Sarah, 15, 16.

GROESBECK
Margaret, 15, 16.
Myndert, 16.
Nicholas, 16.

HANSEN
Dirck, 5.

JOHYLE (?)
Edward, 6.

JONES
Daniel, 7.
David, 6, 7.

KANDELL
Benjamin, 9.

LATHROP
James, 9.

LEWIS
Russell M(?), 11, 12.
Russell W(?), 11, 12.

LIVINGSTON
R. M., 9.

LUDLOW
Cary, 6, 7.

MC ADAM
William, 6.

MC CHESNEY
Hugh, 13.
Joseph, 12, 13.
Joseph B., 13.
Joseph M., 12.
Mary, 12.
Robert, 12.
Samuel, 12, 13.
Samuel I., 13.
William, 12, 13.

MC COUN
Elizabeth, 11, 12.
John Jr., 10, 11, 12.
John T., 11, 12.
Maria, 11, 12.
Townsend, 11.

MATT (Negro), 5.

MAUNSEL
Elizabeth, 6.

MILLER
Morris S., 11.

MITCHELL
Lewis, 11.

MORSE
Charles, 6.

MOSELEY
Ezra, 10.

NEGROES
Frenck, 5.
Matt, 5.
Tom, 5.

NOBLE
Betsy, 10.
Daniel K., 10.
Horatio N., 10.
Horrace L., 10.
July E., 10.
Minerva D., 10.
Sylvester, 10.
Sylvester B., 10.

OTIS
Nathaniel, 10.

PATCHIN
Aaron D., 10.

PEIRCE
Benjamin, 11, 12.

PIEGHT (?)
Sally, 8.

POLLARD
Hephzeph, 8.

POUVEL
Thomas, 5.

PANDALL
Benjamin, 10.

RIGHT (?)
Sally, 3.

RYE
Dr. _____, 6.
Hannah, 6.

SCHARZERHORN
_____, 12.

SCHUYLER
Arent J., 15.
N., 6, 7, 8.
Swan, 15.

SELDEN
Joseph D., 11.

SHEPARD
Charles, 1, 4.

SMITH
Ben, 16.
Cornelius, 8.
Cornelius Jr., 8.
Darias, 8.
Deborah, 6.
Dorcas, 8.
Elkanah, 8.
Hepzeph, 8.
Isaac, 8.
Sally, 8.
Tabatha, 8.

STARR
Samuel, 7.

STEWART
Noble, 7.

STOUGHTON
Levy, 7.

TEN BROOK
William, 5.

TEN EYCK
Anthony, 5.

THEUNISSE
Gerret, 5.

THOMPSON
Israel, 5, 8.

TON (Negro), 5.

TRACY
Jedediah, 7, 8.

*
VAN BUSHMARK
VAN BUSKEM
Maritie, 15, 16.
Martin, 15, 16.
Philip V.N., 16.

VAN ALSTYNE
Derike, 5.
Isaac, 5.
Jan N., 5.

VAN DEN BERGH
Christiana, 5.
Cornelius, 5.
Elizabeth, 5.
Gerrit C., 5.
Gerrit T., 5.
Lydia (?), 5.
Margrita, 5.
Maria, 5.
Volkert, 5.

VAN DER HEYDEN
Derick I., 13.

VAN NESS
Catalyna, 15, 16.
Catharine, 15, 16.
Eve, 15.
Gerrit, 15.
Helena, 16.
Henry, 15.
Margaret, 15.
Maritie, 15, 16.
Philip, 14, 15, 16.
Sarah, 15, 16.

VAN RENSSELAER
John, 5.
Nicholas, 5.

VAN VECHEM
Catalyna, 15.
Dirck, 15, 16.
Elizabeth, 5.
Margaret, 15, 16.
Maria, 5.
Teunis, 15, 16.

VASSALL
Mary, 6.
Richard, 6.

WALWORTH
Abelia, 9.
Abelia, 9.
Benjamin, 9.
Elvia H., 9.
Hyrum, 9.
James, 9.
James C., 9.
Jedediah H., 9.
John, 9.
Reuben H., 9.
Rosamond B., 9.
Sarah D., 9.

WATKINS
John, 1.
Lidia, 6.

WELDELL
G., 16.

WILSON
Th. neler Jr., 10.

WRIGHT
John, 7, 8.

SURNAMES MISSING:
DE
James, 16.

NEGROES
French, .
Matt, 5.
Dori, 5.

THE END

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